In the Matter of Amendment of Part 97 of the Commission's Amateur Radio Service Rules to Permit Greater Flexibility in Digital Data Communications -- RM-11708

To: The Chief, Wireless Telecommunication Bureau

Comments of John Aeiker, WA8HSB

In reference to the proposed rulemaking (RM-11708) by the ARRL, I am writing this comment to express my opposition to RM-11708 and to request that you reject/deny the ARRL request. You have received many comments already regarding the pros and cons, the technical aspects, and the consequences of eliminating the 300 baud rate limit and allowing signals with a 2.8kHz bandwidth in portions of the bands set aside for narrow bandwidth modes. I will not attempt to rehash those comments but, provide my thoughts based on my own operating experiences.

I, along with many other hams here in the USA and around the world enjoy CW, RTTY, PSK, and JT modes and some like myself do so while using low power (QRP). These modes are particularly well suited to operating with low power which is clearly in the alignment with FCC Part 97.313(a) rule, which states that "an amateur station must use the minimum transmitter power necessary to carry out the desired communications". These narrow bandwidth modes are very efficient relative to spectrum usage and provide very effective communications avenues allowing amateurs to be compliance with this regulation in perfect alignment with the fundamental purpose and principles of an amateur radio service as expressed in FCC 97.1.

Should the Commission accept this proposed rulemaking, RM-11708, this would allow wider bandwidth modes to be used in the portions of the high frequency (HF) bands currently designated for CW/Digital modes and, in particular, enable the use of Pactor 4 and similar modes. Currently, Pactor modes are in use in the CW/Digital sub-band portions of the HF bands. These are typically Pactor 2 and 3 modes which meet the current 300 baud rate limit. Even with these modes, I have been interfered with numerous times by automated Pactor stations that evidently failed to listen on the frequency before transmitting. (The argument could be made that since I was operating with low power, the station could not "hear" me. While this may be true, the vast majority of my communications are with stations utilizing much higher power levels and they were interfered with as well indicating that their station presumably could have been "heard" by the interfering station.) Because of the proprietary nature of these modes and not having access to a Pactor modem myself (they are relatively expensive for the typical ham operator), I could not identify the transmitting station to file a formal complaint. Each of these cases of interference occurred on frequencies outside the regulatory defined band segments as defined in FCC Part 97.221(b) for automatically controlled digital stations. Further, Pactor 4, which is one of several wide bandwidth modes that would be allowed in the current narrow bandwidth sub-bands with the acceptance of RM-11708, would have a much more devastating impact on narrow bandwidth modes with its much wider footprint.

[As a separate note in light of my personal experiences noted above, it appears that many of the automatically controlled and maritime email stations currently in operation may not be operating in

compliance with FCC 97.221 and FCC 97.113 and that their operation should be investigated by the FCC as I suspect the FCC enforcement division has the appropriate equipment to monitor emissions from and identify the operators of the automatically controlled and maritime email stations.]

The ARRL and other proponents of RM-11708 insist that this proposed rulemaking is necessary to enable better emergency communications through the use of wide bandwidth modes. Reliable and effective emergency communications has always been ably provided by narrowband CW operators who have always been able to provide emergency communications with relatively simple equipment, minimal power levels, and utilizing modest or compromise antennas in the field - this will be exhibited again the last weekend of June in the annual ARRL sponsored Field Day. The use of wide bandwidth modes (such as Pactor 4 and others) for emergency communications requires specialized, rather expensive equipment and substantially higher power levels than any of the narrow bandwidth modes.

Furthermore, all countries are urged by the IARU to ensure narrowband protections for CW and Data signals such as, 200 Hz for CW and 500 Hz for RTTY. RM-11708 is proposing 2.8 kHz which obviously is not in alignment with these IARU recommendations and guidelines. Substantial interference by wideband data stations is already being experienced in other parts of the world on 30 meters according to the IARU. This interference is most likely being caused by automated stations that do not listen to the frequency before transmitting and who do not obey the same voluntary band planning that is being sought in this proposed rulemaking.

If it is indeed necessary for wide bandwidth digital modes to have more space, it would seem more appropriate that those modes would be included with the phone sub-bands where the wider footprint modes are currently allowed. In October 2006, this principle was addressed as part of WT Docket No. 04-140, FCC 06-149 in which the Commission wrote in part in paragraph 19; “We understand ARRL's concern, but we note that eliminating or relaxing the bandwidth limitation would de facto eliminate the separation of narrow bandwidth and wide bandwidth emissions.[88] We believe that separation of emission types by bandwidth is accepted in the amateur service as a reasonable means to minimize interference on shared frequencies and bands[89] and, therefore, we will not replace the 500 Hz bandwidth limitation with a 3 kHz bandwidth limitation.” Of special note is Footnote 89 which states: "Separation of emission types by bandwidth minimizes or reduces interference because it protects narrow signals from interference from wide signals. Amateur licensees have accepted this division of spectrum as a method for minimizing interference for as long as the amateur service has been regulated, and no commenter in this proceeding requests eliminating emission segmentation based on bandwidth." For some unknown reason, the ARRL has chosen in this proposed rulemaking to seek to change this long accepted and effective method of dividing spectrum to minimize interference. By their own admission, their proposal is directly counter to the Commission’s long standing position.

I have been an active amateur radio operator for over 50 years and hold an Extra Class license. I hope to continue to enjoy amateur radio utilizing the narrow bandwidth modes I prefer as they allow me to routinely practice the skills necessary and test my equipment in a practical way to provide emergency communications should it be needed in the future. Preventing interference of narrow bandwidth modes

by wide bandwidth modes is paramount to the continued growth in the use of spectrum efficient narrow bandwidth modes.

[Finally, if you would allow me a momentary aside; although I have been a supportive ARRL member for many of my years as an amateur radio operator and while they have done much to promote the advancement of amateur radio in the United States and around the world, I am seriously displeased that the ARRL has proposed this rulemaking to the Commission without seeking input from its membership. It seems that this proposed rulemaking is for the specific benefit of a very small minority of the amateur radio population in the United States and one privately held company in particular. I recognize that this is not a factor in the Commission's decision processes regarding RM-11708, however, it certainly raises questions regarding the purposes behind why a proposed rulemaking such as this one would be made that is not in the best interest of the majority of the Petitioner's global membership and is contrary to the underlying principles of the amateur radio service as defined by the Commission and the IARU. The problem being solved by this proposal is not articulated anywhere in the proposal.]

In closing, a respectfully reiterate that I am opposed to the proposed rulemaking RM-11708 and I request that you reject/deny it. Thank you for your consideration of my comments.

Respectfully Submitted,

John D. Aeiker, WA8HSB